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SERVICE DATE - MARCH 9, 2004

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM
TRAIL USE OR ABANDONMENT

Docket No. AB-12 (Sub-No. 148X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY--ABANDONMENT EXEMPTION--
IN TYLER, JASPER, AND ANGELINA COUNTIES, TX

Decided: March 8, 2004

Southern Pacific Transportation Company (SP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 32.05-mile portion of its Rockland Branch rail line extending between milepost 76.85, at or near the Hillister rail station, and milepost 108.90, at or near the Dolan rail station, in Tyler, Jasper, and Angelina Counties, TX.¹ On July 14, 1994, a decision and notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. 1247(d), was served, reopening the proceeding and establishing a 180-day period for the Texas Department of Transportation (TxDOT) to negotiate an interim trail use/rail banking agreement with SP for the entire line.

By petition filed on February 13, 2004, TxDOT requests that the Board reopen the proceeding to partially vacate that portion of the NITU between milepost 94.89 and milepost 104.20. When TxDOT requested issuance of a NITU in this proceeding it stated that it was seeking to expand its emergency evacuation route system along the Texas gulf coast. TxDOT subsequently entered into an agreement with SP to acquire the rail corridor. TxDOT states that it has concluded that it does not need the acreage in that portion of the right-of-way extending between milepost 94.89 and milepost 104.20 to complete the emergency evacuation project. Therefore, TxDOT wishes to release the line segment between those mileposts from the NITU issued in this proceeding. TxDOT requests that the partial vacation of the NITU be made effective on March 14, 2004. TxDOT will remain as the trail user for the remainder of the right-of-way.

TxDOT has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Therefore, this proceeding will be reopened and the partial vacation of the NITU will be granted. Under the circumstances, the Union Pacific Railroad Company (UP), as successor to SP, may fully abandon the line extending between milepost 94.89 and milepost 104.20.

¹ Notice of the exemption was served on January 7, 1993, and published in the Federal Register on January 6, 1993 (58 FR 582). The exemption became effective on February 6, 1993.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The NITU served in this proceeding on July 14, 1994, is vacated with respect to the line segment between milepost 94.89 and milepost 104.20, and UP may fully abandon that portion of the line. TxDOT will remain as the trail user for the remainder of the right-of-way.
3. This decision is effective on March 14, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary